THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.7129 OF 2007

Dated: 18.06.2007

Between:

Y.Gopala Krishna Murthy & another

..Petitioners

And

G.Narasimhulu & others

.. Respondents.

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.7129 OF 2007

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioners seeking to call for the records relating to the order dated 12.3.2007 passed in O.A.No:6142 of 2006 by the learned Tribunal and to quash the same.

The respondents-1 to 4 herein are the applicants before the tribunal. Originally, the applicants have filed the O.A. seeking to direct the respondents to revise the existing final seniority lists both in the categories of Prohibition & Excise Inspectors and Assisant Prohibition & Excise Superintendent in Multizone-III dated 28.7.2006, 28.7.2004 and 26.12.2005 respectively by extending the guidelines in Government Memo No:1861/Ex.I (I)/2003-9, dated 23.6.2004 issued by the 1st respondent to the Multizone-III also and till such time to treat them as only provisional seniority lists and to accord appropriate dates of regularization to the applicants in both the categories of Prohibition & Excise Inspectors and Assistant Prohibition and Excise Superintendents according before taking up promotions to the category of Prohibition and Excise Superintendents.

The tribunal having observed that in view of the fact that the Government in their counter categorically submitted that in order to maintain uniformity in application of law in all cadres in the department, will take a consolidated decision after receipt of the judgment in the O.As. pending before the tribunal, without expressing any opinion on the merits of the case, it would be just and proper to dispose of the O.A. directing the 1st respondent to consider the

representation of the applicants and also the objections of the unofficial respondents while taking a consolidated decision on the subject and this process shall be completed with three months from the date of a copy of the order, disposed of the O.A. along with other applications. Having aggrieved by the same, the present writ petition is filed by the unofficial respondents.

Heard the learned counsel on either side and perused the entire material available on record as well as the order impugned.

The main thrust of the argument of the learned counsel appearing on behalf of the petitioners-unofficial respondents, is that in spite of the point that has been raised before the tribunal as to the maintainability of the O.A., the same has not been considered by the tribunal and therefore, the matter may be remitted back to the tribunal to consider the said issue. In this regard, the learned counsel appearing on behalf of the respondents herein also conceded to remit the matter to the tribunal to adjudicate the issue affectedly.

A perusal of the order impugned goes to show that the O.A. has been disposed of without expressing any opinion on the merits of the case by considering the averment made in the counter. In such a situation and in view of the submission made by the learned counsel on either side, We feel it a fit case wherein this matter can be remitted back to the tribunal for fresh consideration. Therefore, the order impugned is set aside and the matter is remitted back to the tribunal for fresh disposal in accordance with law within a period of two (2) months from the date of receipt of a copy of this order.

Accordingly, this W.P. is allowed. No costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date: 18.06.2007

Gurc/nn

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.7129 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

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Dated: 18.06.2007